Introduced by Senator Vincent

February 20, 2004

An act to amend Section 49069.5 of the Education Code, relating to pupil records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1816, as introduced, Vincent.   Pupil records: foster care pupils.

Existing law provides that the timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency. Existing law requires the county placing agency, as soon as it becomes aware of the need to transfer a pupil in foster care between schools, to contact the appropriate person at the pupil's local educational agency regarding the transfer, and requires the local educational agency, upon receiving the transfer request, to, within 2 business days, transfer the pupil and deliver the pupil's educational information and records to the next educational placement.

This bill would instead require the local educational agency to transfer the pupil and deliver the pupil's records to the next educational placement within 5 business days or in a timely manner.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1   SECTION 1.   Section 49069.5 of the Education Code is
2   amended to read:
3   49069.5.   (a) The Legislature finds and declares that the
4   mobility of pupils in foster care often disrupts their educational

1 experience. The Legislature also finds that efficient transfer
2 procedures and transfer of pupil records is a critical factor in the
3 swift placement of foster children in educational settings.
4   (b) The proper and timely transfer between schools of pupils in
5 foster care is the responsibility of both the local educational
6 agency and the county placing agency.
7   (c) As soon as the county placing agency becomes aware of the
8 need to transfer a pupil in foster care out of his or her current
9 school, the county placing agency shall contact the appropriate
10 person at the local educational agency of the pupil. The county
11 placing agency shall notify the local educational agency of the date
12 that the pupil will be leaving the school and request that the pupil
13 be transferred out.
14   (d) Upon receiving a transfer request from a county placing
15 agency, the local educational agency shall, within ~~two~~ *five*
16 business days *or in a timely manner*, transfer the pupil out of school
17 and deliver the educational information and records of the pupil to
18 the next educational placement.
19   (e) As part of the transfer process described under subdivisions
20 (c) and (d), the local educational agency shall compile the
21 complete educational record of the pupil including a determination
22 of seat time, full or partial credits earned, current classes and
23 grades, immunization and other records, and, if applicable, a copy
24 of the pupil's plan adopted pursuant to Section 504 of the federal
25 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or
26 individualized education program adopted pursuant to the federal
27 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
28 et seq.).
29   (f) The local educational agency shall assign the duties listed in
30 this section to a person competent to handle the transfer procedure
31 and aware of the specific educational record keeping needs of
32 homeless, foster, and other transient children who transfer
33 between schools.
34   (g) The local educational agency shall ensure that if the pupil
35 in foster care is absent from school due to a decision to change the
36 placement of a pupil made by a court or placing agency, the grades
37 and credits of the pupil will be calculated as of the date the pupil
38 left school, and no lowering of grades will occur as a result of the
39 absence of the pupil under these circumstances.

1   (h) The local educational agency shall ensure that if the pupil
2 in foster care is absent from school due to a verified court
3 appearance or related court ordered activity, no lowering of his or
4 her grades will occur as a result of the absence of the pupil under
5 these circumstances.

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